IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.972 OF 2003

in

INCOME TAX APPEAL (L) NO.692 OF 2002

M/s Indian Gum Industries Ltd .. Appellant

Vs.

Joint Commissioner of Income
Tax Special Range 27 & ors

Ms.Aasifa Khan for Appellant
Mr.A.D.Kango with Mr.P.S.Sahadevan for Respts

CORAM : Dr.S.Radhakrishnan and A.V.Nirgude, JJ
DATE : 28th April, 2008

P.C.

1. Heard learned counsel for the appellant and learned counsel for the respondents.

2. By this motion, the appellant is seeking setting aside the order dated 17th April, 2003 whereby the Prothonotary and Senior Master had dismissed the appeal for non-removal of office objections.

3. Perused the affidavit in support of the Notice of motion. For the reasons stated in paras 2,3 and 4 of the motion, sufficient cause is made out for setting aside the aforesaid order of the learned Prothonotary and Senior Master. The appeal stands restored to file. Notice of motion

is made absolute in terms of prayer cause (a). Pending Notice of Motion No.1472 of 2008, taken out in the above appeal also stands disposed of. It is made clear that if the appellant fails to remove the office objections within two weeks from today, earlier order of the learned Prothonotary and Senior Master dated 17th April, 2003 dismissing the appeal will stand revived automatically without further reference to the Court.

(A.V.Nirgude, J) **(Dr.S.Radhakrishnan, J)**